

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of	)	
	)	
Request for Review of the	)	
	)	<b>CC Docket No. 96-45</b>
Decision of the	)	<b>CC Docket No. 02-6</b>
Universal Service Administrative Company	)	
	)	<b>File No. _____</b>
By	)	
	)	
Batavia Local School District	)	
Billed Entity #: 129828	)	
471 Application #: 517837, 574113, 621721,	)	
679041, 739873, 808433	)	
FCC Registration #: 0007353006		
Commitment Adjustment Letter Date 23		
January 2012		

To: Office of the Secretary, FCC  
Attention: Chief, Wireline Competition Bureau

**REQUEST FOR REVIEW**

Pursuant to 47 C.F.R. §54.719(c), the Batavia Local School District (“Batavia,” “Applicant,” or “District”) respectfully requests review of the January 23, 2012 decision by the Schools and Libraries Division (“SLD”) of the Universal Service Administrative Company (“USAC”) to rescind the funding commitment for Forms 471 filed in 2006, 2007, 2008, 2009, 2010 and 2011.<sup>1</sup>

The Decision asserted:

“The Batavia Local School Districts superintendent who made the vendor selection decision on the districts E-rate procurement

---

<sup>1</sup> Attached as Appendix 1

decisions and who was the authorized signer of the FCC Forms 470 and 471, also sits on the board of the Hamilton Clermont Cooperative Association (HCCA), the service provider to the district.”

As will be shown herein, the superintendents at Batavia during the time of the submission of the relevant Forms 471 (i) were not involved in the competitive bidding process, (ii) where not the contact person on the forms<sup>2</sup>, and (iii) their participation on the board of HCCA was limited to the extent required by Ohio State law and permitted by the FCC’s rules. Accordingly, Batavia conducted a fair and open competitive bidding process in accordance with the commission’s rules.

## **RELEVANT BACKGROUND**

On March 4, 2010, Barbara Cannan of the Special Compliance Division of SLD sent an inquiry to Barbara Bradley, a former superintendent at Batavia, to discuss board member roles and vendor selection. In the email, Ms. Cannan inquired regarding the role of Gary Brooks, a superintendent at the school during FY2004-2005, during the competitive bidding process. Ms. Bradley replied to the email one day later on March 5, 2010, stating that she was looking into the matter further, but that none of the E-rate contacts at Batavia in 2010 had been there in 2004. On August 30, 2011, Pina Portanova of SLD’s Special Compliance Division followed up on Ms. Cannon’s original March 4, 2010 email. She again requested information regarding Mr. Brooks’s role during FY2004-2005 and further inquired regarding Ms. Bradley’s role in the competitive bidding process from 2006-2010. On September 9, 2011, Michael Ashmore, Treasurer at Batavia, emailed Ms. Cannon with a list of the Batavia superintendents from 2004-

---

<sup>2</sup> In *Mastermind Internet services* 16 FCC Rcd 4028 (2000) at paragraph 9, the Commission held that the key concern was whether the provider was also the contact person. Where a superintendent signs the Form 470, or Form 471, such signature does not automatically constitute a violation of the competitive bidding rules. For the reasons stated herein, such signature does not constitute a violation here.

2012. The email indicated that Gary Brooks was the Superintendent from the 2004-2005 school year, Debra Cobman was the Superintendent from 2005-2006, Barbara Bradley was Superintendent from 2006-2010 and Jill Grubb was Superintendent from 2010 to the current 2012 school year. Finally, although he had no information regarding the school's prior E-rate bidding process,<sup>3</sup> Mr. Ashmore inaccurately stated the following with regard to the role of the Superintendents:

At differing points during the above times it is possible that the individuals also served on the board of HCCA. In any event each of these people would have had the role of vendor selector for technology for the district and may have had input as a board member for vendor selection for HCCA.

On September 16, 2011, Barbara Cannon emailed Mr. Ashmore to inform him that SLD had determined that the funding commitments for FY2004-2010 would be rescinded in full because a conflict of interest exists between the Superintendent and HCCA. On January 23, 2012, Batavia received Notification of Commitment Adjustment Letters for FY2006-2011.

### **The Relationship between Batavia and HCCA is Governed by Ohio State Law**

The relationship between the Batavia Superintendent and HCCA is governed by state law in Ohio. HCCA is a member of the Ohio Education Computer Network ("OECN"), which was established by the Ohio General Assembly<sup>4</sup> to (i) promote the value and benefits of the OECN; (ii) advocate for continuous improvement; (iii) support statewide technology programs and initiatives; and (iv) promote innovative technologies, partnership arrangements, and cooperative purchasing agreements to help support the technology initiatives of the OECN and Ohio schools.

---

<sup>3</sup> See Affidavit of Michael Ashmore attached as Exhibit A ("Ashmore Affidavit").

<sup>4</sup> See O.R.C. § 3301.075 (stating in relevant part, "The state board of education shall adopt rules governing the purchasing and leasing of data processing services and equipment for all local, exempted village, city, and joint vocational school districts and all educational service centers. Such rules shall include provisions for the establishment of an Ohio education computer network under procedures, guidelines, and specifications of the department of education.")

The OECN is comprised solely of information technology centers (“ITCs”). Each ITC, including HCCA, is organized in accordance with either O.R.C. § 3313.92 or Chapter 167 of the Revised Code. HCCA is organized in accordance with O.R.C. § 3313.92, which provides, in relevant part,

The boards of education of any two or more school districts may, subject to the approval of the superintendent of public instruction, enter into agreements for the joint or cooperative ... participation in the Ohio education computer network established by section 3301.075 of the Revised Code.

When the Ohio General Assembly authorized the creation and funding of the state ITCs, it mandated that the Superintendent of public instruction “require the membership of each information technology center to be composed of combinations of school districts and educational service centers....”<sup>5</sup> Therefore, for the ITCs to be funded by the government – to operate – a school district representative *must* sit on their boards. The Ohio government, which has strict state procurement procedures, was mindful of the need for competitive bidding in the creation of these laws.

Pursuant to Ohio law, the Batavia Superintendent is the designated representative for the school district and sits on the HCCA Board. The Superintendent’s involvement with HCCA is specifically limited to attendance at meetings and voting on presented recommendations.<sup>6</sup> The Superintendent does not have any input into bids that HCCA might issue on requests for proposal (“RFP”) or Forms 470, nor does the Superintendent communicate with members of HCCA regarding services or goods that the District may bid on in the future.<sup>7</sup> All pricing information provided to the HCCA Governing Board Members is provided by HCCA Executive Director Al Porter in a public meeting that is open to the general public, including any vendor.

---

<sup>5</sup> O.R.C. § 3301.075.

<sup>6</sup> Affidavit of Jill Grubb attached as Exhibit B (“Grubb Affidavit”).

<sup>7</sup> *Id.*

The service offerings provided by HCCA are a matter of public record and may be known by the general public, including any vendor. Thus the Superintendent has no knowledge, other than knowledge available to the general public, regarding the nature of HCCA's bids. Because the Superintendent's state-mandated role does not give HCCA any advantage over other potential bidders, there has been no violation of the FCC competitive bidding rules and there is no conflict of interest.<sup>8</sup>

### **Batavia's Competitive Bidding Process Abides by FCC Rules**

The above-described procedure was addressed by the Wireline Bureau in its clarification of the *Sixth Report and Order*,<sup>9</sup> whereby the Bureau acknowledged that employees of schools are sometimes required by law to sit on the governing boards of other governmental agencies that may act as E-rate service providers.<sup>10</sup> The Bureau specifically found that:

an individual associated with or employed by an E-rate service provider may sit on a school or library's fundraising board without violating the Commission's competitive bidding rules, provided that the individual's service on the board does not unfairly influence the competitive bidding process or provide the service provider with inside knowledge of the applicant's E-rate program that would undermine the competitive bidding process.<sup>11</sup>

The Bureau clearly recognized that Superintendents must sometimes sit on the board of state agencies or subdivisions, like HCCA, and that it is not a violation of the FCC conflict of interest rules, provided that "the agency or subdivision has properly established a firewall separating those individuals involved in submitting the bid from those providing assistance."<sup>12</sup> Batavia and HCCA, in accordance with FCC rules, have established the necessary firewall

---

<sup>8</sup> See *Schools and Libraries Universal Service Support Mechanism and A National Broadband Plan for Our Future*, Sixth Report and Order, 25 FCC Rcd 17324 (2010) (*Sixth Report and Order*); see also 75 Fed. Reg. 75393.

<sup>9</sup> *Id.*

<sup>10</sup> The acknowledgment was in direct response to a request for clarification by HCCA and other Ohio ITCs.

<sup>11</sup> *Sixth Report and Order*, 25 FCC Rcd at ¶15.

<sup>12</sup> *Id.*

Contrary to the prior mistaken representation by Michael Ashmore, the Superintendent does not have any role in Batavia's competitive bidding process.<sup>13</sup> Batavia's competitive bidding process is run by the District's Technology Director.<sup>14</sup> The Technology Director is the District's primary contact for E-rate purposes. The Technology Director prepares the District's Forms 470 and receives all bids. After receiving the bids, the Technology Director reviews the bids in accordance with FCC rules, weighing price as the primary factor. The Treasurer, Michael Ashmore, is responsible for signing the contracts with HCCA. Thus the Superintendent has no knowledge, other than knowledge available to the general public, concerning the E-rate needs of the District and has no role in the selection of the successful bid. Notably, for each applicable Funding Year Batavia has received only one bid, which was from HCCA.

### **Conclusion**

A conflict of interest does not exist in Batavia's competitive bidding process – a process that is performed in an open and fair matter. The Superintendent's role in the process is no greater than that required by Ohio law and is fully consistent with procedures approved by the FCC. Batavia respectfully requests that the Commission overturn USAC's decision for the Funding Years in question.

---

<sup>13</sup> See Grubb Affidavit.

<sup>14</sup> See Affidavit of Jason Shoemaker attached as Exhibit C ("Shoemaker Affidavit").

Respectfully submitted,

BATAVIA LOCAL SCHOOL DISTRICT

By: Mark J. Palchick  
Mark J. Palchick  
Rebecca E. Jacobs

**Womble Carlyle Sandridge & Rice, LLP**  
1200 Nineteenth Street, NW  
Suite 500  
Washington, DC, 20036  
(202) 857-4400  
(202) 467-6910 (fax)  
[mpalchick@wcsr.com](mailto:mpalchick@wcsr.com)

**CC: Universal Service Administrator**

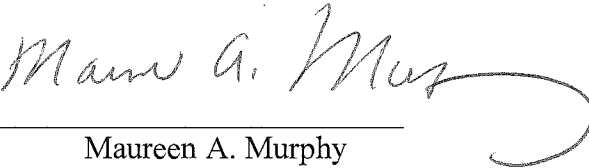
March 20, 2012

## CERTIFICATE OF SERVICE

I, Maureen A. Murphy, hereby declare that copies of the foregoing request for review and waiver were sent via U.S. mail, this day, March 20, 2012, to the following, as required by section 54.721(c) of the Commission's rules:

Letter of Appeal  
Schools and Libraries Division – Correspondence Unit  
30 Lanidex Plaza West  
P.O. Box 685  
Parsipanny, NJ 07054

Mr. Albert Porter  
Executive Director  
Hamilton Clermont Cooperative of Boards of Education  
7615 Harrison Avenue  
Cincinnati, OH 45231

  
\_\_\_\_\_  
Maureen A. Murphy

# EXHIBIT A

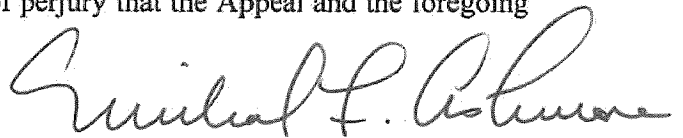
## DECLARATION OF MICHAEL ASHMORE

I, Michael Ashmore, declare the following:

1. I am the Treasurer for Batavia Local School District ("Batavia," or "District"). My responsibilities include the general responsibilities associated with a Chief Financial Officer of a business as required by Ohio law.
2. I have been the Treasurer for Batavia since 2008.
3. On September 9, 2011, I responded to an email from Barbara Cannon requesting a list of past Superintendents and the role that the Superintendent played in the competitive bidding process.
4. At the time that I responded to the email, I was unfamiliar with Batavia's competitive bidding process for E-rate and inaccurately stated that the Superintendent had a role in it. In fact, Batavia's Technology Director is the person responsible for E-rate. I was likewise unfamiliar with the role that the superintendent played on HCCA's board.
5. My train of thought in responding to the email was that generally a superintendent has a role in all aspects of the school and would, therefore, have a role in E-rate as well. Unfortunately, this was not accurate.

To the best of my knowledge, I state under penalty of perjury that the Appeal and the foregoing are true and correct.

March 15, 2012



Michael Ashmore  
Treasurer  
Batavia Local School District

# EXHIBIT B

## DECLARATION OF JILL GRUBB

I, Jill Grubb, declare the following:

1. I am the Superintendent for Batavia Local School District ("Batavia," or "District"). My responsibilities include the general responsibilities associated with a Chief Executive Officer of a business as required by Ohio law.
2. I have been the Superintendent of Batavia Local School District since August 2010.
3. I do not have a role in the competitive bidding process for E-rate.
4. My role on the HCCA board is limited to attendance of HCCA meetings and voting on presented recommendations. I do not have any input into bids that HCCA might issue on requests for proposal ("RFP") or Forms 470, nor do I communicate with members of HCCA regarding services or goods that the District may bid on in the future

To the best of my knowledge, I state under penalty of perjury that the Appeal and the foregoing are true and correct.

March 15, 2012



Jill Grubb  
Superintendent  
Batavia Local School District

# EXHIBIT C

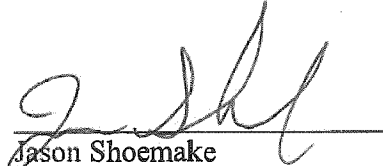
## DECLARATION OF JASON SHOEMAKE

I, Jason Shoemake, declare the following:

1. I am the Technology Director for Batavia Local School District ("Batavia," or "District").  
My responsibilities include running the District's competitive bidding process for E-rate.
2. I have been the Technology Director of Batavia Local School District since 2009.
3. I prepare the District's Form 470s and receive all bids from service providers.
4. I evaluate all bids in accordance with the FCC's rules using cost as a primary factor.
5. We have never received a bid for Internet access from any provider other than HCCA.

To the best of my knowledge, I state under penalty of perjury that the Appeal and the foregoing are true and correct.

March 16, 2012

  
Jason Shoemake  
Technology Director  
Batavia Local School District

# ATTACHMENT 1



Universal Service Administrative Company

Schools & Libraries Division

---

Notification of Commitment Adjustment Letter

Funding Year 2006: July 1, 2006 - June 30, 2007

January 23, 2012

Al Porter  
Hamilton Clermont Cooperative Association  
7615 Harrison Avenue  
Cincinnati, OH 45231-3107

Re: SPIN:	143024403
Service Provider Name:	Hamilton Clermont Cooperative Association
Form 471 Application Number:	517837
Funding Year:	2006
FCC Registration Number:	
Applicant Name	BATAVIA LOCAL SCHOOL DISTRICT
Billed Entity Number:	129828
Applicant Contact Person:	Cliff Myers

Our routine review of Schools and Libraries Program funding commitments has revealed certain applications where funds were committed in violation of Program rules.

In order to be sure that no funds are used in violation of Program rules, the Universal Service Administrative Company (USAC) must now adjust the overall funding commitment. The purpose of this letter is to make the required adjustments to the funding commitment, and to give you an opportunity to appeal this decision. USAC has determined the service provider is responsible for all or some of the program rule violations. Therefore, the service provider is responsible to repay all or some of the funds disbursed in error (if any).

This is NOT a bill. If recovery of disbursed funds is required, the next step in the recovery process is for USAC to issue you a Demand Payment Letter. The balance of the debt will be due within 30 days of that letter. Failure to pay the debt within 30 days from the date of the Demand Payment Letter could result in interest, late payment fees, administrative charges and implementation of the "Red Light Rule." The FCC's Red Light Rule requires USAC to dismiss pending FCC Form 471 applications if the entity responsible for paying the outstanding debt has not paid the debt, or otherwise made satisfactory arrangements to pay the debt within 30 days of the notice provided by USAC. For more information on the Red Light Rule, please see "Red Light Frequently Asked Questions (FAQs)" posted on the FCC website at [http://www.fcc.gov/debt\\_collection/faq.html](http://www.fcc.gov/debt_collection/faq.html).

Schools and Libraries Division - Correspondence Unit  
100 South Jefferson Road, P.O. Box 902, Whippany, NJ 07981  
Visit us online at: [www.usac.org/sl](http://www.usac.org/sl)

TO APPEAL THIS DECISION:

You have the option of filing an appeal with USAC or directly with the Federal Communications Commission (FCC).

If you wish to appeal the Commitment Adjustment Decision indicated in this letter to USAC your appeal must be received or postmarked within 60 days of the date of this letter. If you wish to appeal the Commitment Adjustment Decision indicated in this letter, your appeal must be received or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and email address (if available) for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Identify the date of the Notification of Commitment Adjustment Letter and the Funding Request Number(s) (FRN) you are appealing. Your letter of appeal must include the
  - Billed Entity Name,
  - Form 471 Application Number,
  - Billed Entity Number, and
  - FCC Registration Number (FCC RN) from the top of your letter.
3. When explaining your appeal, copy the language or text from the Notification of Commitment Adjustment Letter that is the subject of your appeal to allow USAC to more readily understand your appeal and respond appropriately. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal including any correspondence and documentation.
4. If you are an applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are a service provider, please provide a copy of your appeal to the applicant(s) affected by USAC's decision.
5. Provide an authorized signature on your letter of appeal.  
To submit your appeal to USAC by email, email your appeal to [appeals@sl.universalservice.org](mailto:appeals@sl.universalservice.org). USAC will automatically reply to incoming emails to confirm receipt.

To submit your appeal to us by fax, fax your appeal to (973) 599-6542.

To submit your appeal to us on paper, send your appeal to:

Letter of Appeal  
Schools and Libraries Division - Correspondence Unit  
100 S. Jefferson Rd.  
P. O. Box 902  
Whippany, NJ 07981

For more information on submitting an appeal to USAC, please see the "Appeals Procedure" posted on our website.

If you wish to appeal a decision in this letter to the FCC, you should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received by the FCC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. We strongly recommend that you use the electronic filing options described in the "Appeals Procedure" posted on our website. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554.

On the pages following this letter, we have provided a Funding Commitment Adjustment Report (Report) for the Form 471 application cited above. The enclosed Report includes the Funding Request Number(s) from your application for which adjustments are necessary. See the "Guide to USAC Letter Reports" posted at <http://usac.org/sl/tools/reference/guide-usac-letter-reports.aspx> for more information on each of the fields in the Report. USAC is also sending this information to the applicant for informational purposes. If USAC has determined the applicant is also responsible for any rule violation on the FRN(s), a separate letter will be sent to the applicant detailing the necessary applicant action.

Note that if the Funds Disbursed to Date amount is less than the Adjusted Funding Commitment amount, USAC will continue to process properly filed invoices up to the Adjusted Funding Commitment amount. Review the Funding Commitment Adjustment Explanation in the attached Report for an explanation of the reduction to the commitment(s). Please ensure that any invoices that you or the applicant(s) submits to USAC are consistent with Program rules as indicated in the Funding Commitment Adjustment Explanation. If the Funds Disbursed to Date amount exceeds the Adjusted Funding Commitment amount, USAC will have to recover some or all of the disbursed funds. The Report explains the exact amount (if any) the service provider is responsible for repaying.

Schools and Libraries Division  
Universal Services Administrative Company

cc: Cliff Myers  
BATAVIA LOCAL SCHOOL DISTRICT

Funding Commitment Adjustment Report  
Form 471 Application Number: 517837

---

Funding Request Number: 1427917  
Contract Number: HCCA08504  
Services Ordered: INTERNET ACCESS  
Billing Account Number:  
Original Funding Commitment: \$16,038.00  
Commitment Adjustment Amount: \$16,038.00  
Adjusted Funding Commitment: \$0.00  
Funds Disbursed to Date: \$14,801.40  
Funds to be Recovered from Service Provider: \$14,801.40

Funding Commitment Adjustment Explanation:

After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. During a review, it was determined that the school official who was involved in determining the services sought by the applicant and the selection of the applicants service providers is associated with a service provider that was selected. The Batavia Local School Districts superintendent who made the vendor selection decision on the districts E-rate procurement decisions and who was the authorized signer on the FCC Forms 470 and 471, also sits on the board of the Hamilton Clermont Cooperative Association (HCCA), the service provider to the district. There was no response to the administrators request to explain what steps the district may have taken to mitigate this conflict. FCC rules require applicants to submit a Form 470 to initiate the competitive bidding process and to conduct a fair and open process. Neither the applicant nor the applicants consultant should have a relationship with a service provider prior to the competitive bidding that would unfairly influence the outcome of a competition or would furnish the service provider with "inside" information or allow it to unfairly compete in any way. Since the applicant has engaged in an improper relationship with a selected service provider, which represents a conflict of interest and compromises the competitive bidding process, the commitment has been rescinded in full and USAC will seek recovery of any improperly disbursed funds from both the applicant and service provider.

Jason Shoemake  
BATAVIA LOCAL SCHOOL DISTRICT  
1 Bulldog Place  
Batavia, OH 45103

Notification of Commitment Adjustment Letter

Funding Year 2006: July 1, 2006 - June 30, 2007

January 23, 2012

Cliff Myers  
BATAVIA LOCAL SCHOOL DISTRICT  
215 Broadway  
Batavia, OH 45103

Re: Form 471 Application Number:	517837
Funding Year:	2006
Applicant's Form Identifier:	B47106
Billed Entity Number:	129828
FCC Registration Number:	0007353006
SPIN:	143024403
Service Provider Name:	Hamilton Clermont Cooperative Association
Service Provider Contact Person:	Al Porter

Our routine review of Schools and Libraries Program (Program) funding commitments has revealed certain applications where funds were committed in violation of Program rules.

In order to be sure that no funds are used in violation of Program rules, the Universal Service Administrative Company (USAC) must now adjust your overall funding commitment. The purpose of this letter is to make the required adjustments to your funding commitment, and to give you an opportunity to appeal this decision. USAC has determined the applicant is responsible for all or some of the violations. Therefore, the applicant is responsible to repay all or some of the funds disbursed in error (if any).

This is NOT a bill. If recovery of disbursed funds is required, the next step in the recovery process is for USAC to issue you a Demand Payment Letter. The balance of the debt will be due within 30 days of that letter. Failure to pay the debt within 30 days from the date of the Demand Payment Letter could result in interest, late payment fees, administrative charges and implementation of the "Red Light Rule." The FCC's Red Light Rule requires USAC to dismiss pending FCC Form 471 applications if the entity responsible for paying the outstanding debt has not paid the debt, or otherwise made satisfactory arrangements to pay the debt within 30 days of the notice provided by USAC. For more information on the Red Light Rule, please see "Red Light Frequently Asked Questions (FAQs)" posted on the FCC website at [http://www.fcc.gov/debt\\_collection/faq.html](http://www.fcc.gov/debt_collection/faq.html).

TO APPEAL THIS DECISION:

You have the option of filing an appeal with USAC or directly with the Federal Communications Commission (FCC).

If you wish to appeal the Commitment Adjustment Decision indicated in this letter to USAC your appeal must be received or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and email address (if available) for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Identify the date of the Notification of Commitment Adjustment Letter and the Funding Request Number(s) (FRN) you are appealing. Your letter of appeal must include the
  - Billed Entity Name,
  - Form 471 Application Number,
  - Billed Entity Number, and
  - FCC Registration Number (FCC RN) from the top of your letter.
3. When explaining your appeal, copy the language or text from the Notification of Commitment Adjustment Letter that is the subject of your appeal to allow USAC to more readily understand your appeal and respond appropriately. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal including any correspondence and documentation.
4. If you are an applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are a service provider, please provide a copy of your appeal to the applicant(s) affected by USAC's decision.
5. Provide an authorized signature on your letter of appeal.

To submit your appeal to us on paper, send your appeal to:

Letter of Appeal  
Schools and Libraries Division - Correspondence Unit  
100 S. Jefferson Rd.  
P. O. Box 902  
Whippany, NJ 07981

For more information on submitting an appeal to USAC, please see the "Appeals Procedure" posted on our website.

If you wish to appeal a decision in this letter to the FCC, you should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received by the FCC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. We strongly recommend that you use the electronic filing options described in the "Appeals Procedure" posted on our website. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554.

## FUNDING COMMITMENT ADJUSTMENT REPORT

On the pages following this letter, we have provided a Funding Commitment Adjustment Report (Report) for the Form 471 application cited above. The enclosed Report includes the Funding Request Number(s) from your application for which adjustments are necessary. See the "Guide to USAC Letter Reports" posted at <http://usac.org/sl/tools/reference/guide-usac-letter-reports.aspx> for more information on each of the fields in the Report. USAC is also sending this information to your service provider(s) for informational purposes. If USAC has determined the service provider is also responsible for any rule violation on the FRN(s), a separate letter will be sent to the service provider detailing the necessary service provider action.

Note that if the Funds Disbursed to Date amount is less than the Adjusted Funding Commitment amount, USAC will continue to process properly filed invoices up to the Adjusted Funding Commitment amount. Review the Funding Commitment Adjustment Explanation in the attached Report for an explanation of the reduction to the commitment(s). Please ensure that any invoices that you or your service provider(s) submits to USAC are consistent with Program rules as indicated in the Funding Commitment Adjustment Explanation. If the Funds Disbursed to Date amount exceeds your Adjusted Funding Commitment amount, USAC will have to recover some or all of the disbursed funds. The Report explains the exact amount (if any) the applicant is responsible for repaying.

Schools and Libraries Division  
Universal Services Administrative Company

cc: Al Porter  
Hamilton Clermont Cooperative Association

Funding Commitment Adjustment Report for  
Form 471 Application Number: 517837

Funding Request Number:	1427917
Services Ordered:	INTERNET ACCESS
SPIN:	143024403
Service Provider Name:	Hamilton Clermont Cooperative Associat
Contract Number:	HCCA08504
Billing Account Number:	
Site Identifier:	129828
Original Funding Commitment:	\$16,038.00
Commitment Adjustment Amount:	\$16,038.00
Adjusted Funding Commitment:	\$0.00
Funds Disbursed to Date	\$14,801.40
Funds to be Recovered from Applicant:	\$14,801.40
Funding Commitment Adjustment Explanation:	

After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. During a review, it was determined that the school official who was involved in determining the services sought by the applicant and the selection of the applicants service providers is associated with a service provider that was selected. The Batavia Local School Districts superintendent who made the vendor selection decision on the districts E-rate procurement decisions and who was the authorized signer on the FCC Forms 470 and 471, also sits on the board of the Hamilton Clermont Cooperative Association (HCCA), the service provider to the district. There was no response to the administrators request to explain what steps the district may have taken to mitigate this conflict. FCC rules require applicants to submit a Form 470 to initiate the competitive bidding process and to conduct a fair and open process. Neither the applicant nor the applicants consultant should have a relationship with a service provider prior to the competitive bidding that would unfairly influence the outcome of a competition or would furnish the service provider with "inside" information or allow it to unfairly compete in any way. Since the applicant has engaged in an improper relationship with a selected service provider, which represents a conflict of interest and compromises the competitive bidding process, the commitment has been rescinded in full and USAC will seek recovery of any improperly disbursed funds from both the applicant and service provider.

Jason Shoemake  
BATAVIA LOCAL SCHOOL DISTRICT  
1 Bulldog Place  
Batavia, OH 45103



Universal Service Administrative Company

Schools and Libraries Division

Notification of Commitment Adjustment Letter

Funding Year 2007: July 1, 2007 - June 30, 2008

January 23, 2012

Cliff Myers  
BATAVIA LOCAL SCHOOL DISTRICT  
215 Broadway  
Batavia, OH 45103

Re: Form 471 Application Number:	574113
Funding Year:	2007
Applicant's Form Identifier:	B47107
Billed Entity Number:	129828
FCC Registration Number:	0007353006
SPIN:	143024403
Service Provider Name:	Hamilton Clermont Cooperative Association
Service Provider Contact Person:	Al Porter

Our routine review of Schools and Libraries Program (Program) funding commitments has revealed certain applications where funds were committed in violation of Program rules.

In order to be sure that no funds are used in violation of Program rules, the Universal Service Administrative Company (USAC) must now adjust your overall funding commitment. The purpose of this letter is to make the required adjustments to your funding commitment, and to give you an opportunity to appeal this decision. USAC has determined the applicant is responsible for all or some of the violations. Therefore, the applicant is responsible to repay all or some of the funds disbursed in error (if any).

This is NOT a bill. If recovery of disbursed funds is required, the next step in the recovery process is for USAC to issue you a Demand Payment Letter. The balance of the debt will be due within 30 days of that letter. Failure to pay the debt within 30 days from the date of the Demand Payment Letter could result in interest, late payment fees, administrative charges and implementation of the "Red Light Rule." The FCC's Red Light Rule requires USAC to dismiss pending FCC Form 471 applications if the entity responsible for paying the outstanding debt has not paid the debt, or otherwise made satisfactory arrangements to pay the debt within 30 days of the notice provided by USAC. For more information on the Red Light Rule, please see "Red Light Frequently Asked Questions (FAQs)" posted on the FCC website at [http://www.fcc.gov/debt\\_collection/faq.html](http://www.fcc.gov/debt_collection/faq.html).

TO APPEAL THIS DECISION:

You have the option of filing an appeal with USAC or directly with the Federal Communications Commission (FCC).

If you wish to appeal the Commitment Adjustment Decision indicated in this letter to USAC your appeal must be received or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and email address (if available) for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Identify the date of the Notification of Commitment Adjustment Letter and the Funding Request Number(s) (FRN) you are appealing. Your letter of appeal must include the
  - Billed Entity Name,
  - Form 471 Application Number,
  - Billed Entity Number, and
  - FCC Registration Number (FCC RN) from the top of your letter.
3. When explaining your appeal, copy the language or text from the Notification of Commitment Adjustment Letter that is the subject of your appeal to allow USAC to more readily understand your appeal and respond appropriately. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal including any correspondence and documentation.
4. If you are an applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are a service provider, please provide a copy of your appeal to the applicant(s) affected by USAC's decision.
5. Provide an authorized signature on your letter of appeal.

To submit your appeal to us on paper, send your appeal to:

Letter of Appeal  
Schools and Libraries Division - Correspondence Unit  
100 S. Jefferson Rd.  
P. O. Box 902  
Whippany, NJ 07981

For more information on submitting an appeal to USAC, please see the "Appeals Procedure" posted on our website.

If you wish to appeal a decision in this letter to the FCC, you should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received by the FCC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. We strongly recommend that you use the electronic filing options described in the "Appeals Procedure" posted on our website. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554.

## FUNDING COMMITMENT ADJUSTMENT REPORT

On the pages following this letter, we have provided a Funding Commitment Adjustment Report (Report) for the Form 471 application cited above. The enclosed Report includes the Funding Request Number(s) from your application for which adjustments are necessary. See the "Guide to USAC Letter Reports" posted at <http://usac.org/sl/tools/reference/guide-usac-letter-reports.aspx> for more information on each of the fields in the Report. USAC is also sending this information to your service provider(s) for informational purposes. If USAC has determined the service provider is also responsible for any rule violation on the FRN(s), a separate letter will be sent to the service provider detailing the necessary service provider action.

Note that if the Funds Disbursed to Date amount is less than the Adjusted Funding Commitment amount, USAC will continue to process properly filed invoices up to the Adjusted Funding Commitment amount. Review the Funding Commitment Adjustment Explanation in the attached Report for an explanation of the reduction to the commitment(s). Please ensure that any invoices that you or your service provider(s) submits to USAC are consistent with Program rules as indicated in the Funding Commitment Adjustment Explanation. If the Funds Disbursed to Date amount exceeds your Adjusted Funding Commitment amount, USAC will have to recover some or all of the disbursed funds. The Report explains the exact amount (if any) the applicant is responsible for repaying.

Schools and Libraries Division  
Universal Services Administrative Company

cc: Al Porter  
Hamilton Clermont Cooperative Association

Funding Commitment Adjustment Report for  
Form 471 Application Number: 574113

Funding Request Number:	1594900
Services Ordered:	INTERNET ACCESS
SPIN:	143024403
Service Provider Name:	Hamilton Clermont Cooperative Associat
Contract Number:	HCCA08507
Billing Account Number:	
Site Identifier:	129828
Original Funding Commitment:	\$13,167.00
Commitment Adjustment Amount:	\$13,167.00
Adjusted Funding Commitment:	\$0.00
Funds Disbursed to Date	\$13,167.00
Funds to be Recovered from Applicant:	\$13,167.00
Funding Commitment Adjustment Explanation:	

After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. During a review, it was determined that the school official who was involved in determining the services sought by the applicant and the selection of the applicants service providers is associated with a service provider that was selected. The Batavia Local School Districts superintendent who made the vendor selection decision on the districts E-rate procurement decisions and who was the authorized signer on the FCC Forms 470 and 471, also sits on the board of the Hamilton Clermont Cooperative Association (HCCA), the service provider to the district. There was no response to the administrators request to explain what steps the district may have taken to mitigate this conflict. FCC rules require applicants to submit a Form 470 to initiate the competitive bidding process and to conduct a fair and open process. Neither the applicant nor the applicants consultant should have a relationship with a service provider prior to the competitive bidding that would unfairly influence the outcome of a competition or would furnish the service provider with "inside" information or allow it to unfairly compete in any way. --Since the applicant has engaged in an improper relationship with a selected service provider, which represents a conflict of interest and compromises the competitive bidding process, the commitment has been rescinded in full and USAC will seek recovery of any improperly disbursed funds from both the applicant and service provider.

Jason Shoemake  
BATAVIA LOCAL SCHOOL DISTRICT  
1 Bulldog Place  
Batavia, OH 45103

Notification of Commitment Adjustment Letter

Funding Year 2007: July 1, 2007 - June 30, 2008

January 23, 2012

Al Porter  
Hamilton Clermont Cooperative Association  
7615 Harrison Avenue  
Cincinnati, OH 45231-3107

Re: SPIN:	143024403
Service Provider Name:	Hamilton Clermont Cooperative Association
Form 471 Application Number:	574113
Funding Year:	2007
FCC Registration Number:	
Applicant Name	BATAVIA LOCAL SCHOOL DISTRICT
Billed Entity Number:	129828
Applicant Contact Person:	Cliff Myers

Our routine review of Schools and Libraries Program funding commitments has revealed certain applications where funds were committed in violation of Program rules.

In order to be sure that no funds are used in violation of Program rules, the Universal Service Administrative Company (USAC) must now adjust the overall funding commitment. The purpose of this letter is to make the required adjustments to the funding commitment, and to give you an opportunity to appeal this decision. USAC has determined the service provider is responsible for all or some of the program rule violations. Therefore, the service provider is responsible to repay all or some of the funds disbursed in error (if any).

This is NOT a bill. If recovery of disbursed funds is required, the next step in the recovery process is for USAC to issue you a Demand Payment Letter. The balance of the debt will be due within 30 days of that letter. Failure to pay the debt within 30 days from the date of the Demand Payment Letter could result in interest, late payment fees, administrative charges and implementation of the "Red Light Rule." The FCC's Red Light Rule requires USAC to dismiss pending FCC Form 471 applications if the entity responsible for paying the outstanding debt has not paid the debt, or otherwise made satisfactory arrangements to pay the debt within 30 days of the notice provided by USAC. For more information on the Red Light Rule, please see "Red Light Frequently Asked Questions (FAQs)" posted on the FCC website at [http://www.fcc.gov/debt\\_collection/faq.html](http://www.fcc.gov/debt_collection/faq.html).

TO APPEAL THIS DECISION:

You have the option of filing an appeal with USAC or directly with the Federal Communications Commission (FCC).

If you wish to appeal the Commitment Adjustment Decision indicated in this letter to USAC your appeal must be received or postmarked within 60 days of the date of this letter. If you wish to appeal the Commitment Adjustment Decision indicated in this letter, your appeal must be received or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and email address (if available) for the person who can most readily discuss this appeal with us.

2. State outright that your letter is an appeal. Identify the date of the Notification of Commitment Adjustment Letter and the Funding Request Number(s) (FRN) you are appealing. Your letter of appeal must include the

- Billed Entity Name,
- Form 471 Application Number,
- Billed Entity Number, and
- FCC Registration Number (FCC RN) from the top of your letter.

3. When explaining your appeal, copy the language or text from the Notification of Commitment Adjustment Letter that is the subject of your appeal to allow USAC to more readily understand your appeal and respond appropriately. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal including any correspondence and documentation.

4. If you are an applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are a service provider, please provide a copy of your appeal to the applicant(s) affected by USAC's decision.

5. Provide an authorized signature on your letter of appeal. To submit your appeal to USAC by email, email your appeal to [appeals@sl.universalservice.org](mailto:appeals@sl.universalservice.org)-- USAC will automatically reply to incoming emails to confirm receipt.

To submit your appeal to us by fax, fax your appeal to (973) 599-6542.

To submit your appeal to us on paper, send your appeal to:

Letter of Appeal  
Schools and Libraries Division - Correspondence Unit  
100 S. Jefferson Rd.  
P. O. Box 902  
Whippany, NJ 07981

For more information on submitting an appeal to USAC, please see the "Appeals Procedure" posted on our website.

If you wish to appeal a decision in this letter to the FCC, you should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received by the FCC or postmarked within 60 days of the date of this letter.

Failure to meet this requirement will result in automatic dismissal of your appeal.

We strongly recommend that you use the electronic filing options described in the

~~"Appeals Procedure" posted on our website. If you are submitting your appeal via~~

United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554.

On the pages following this letter, we have provided a Funding Commitment Adjustment Report (Report) for the Form 471 application cited above. The enclosed Report includes the Funding Request Number(s) from your application for which adjustments are necessary. See the "Guide to USAC Letter Reports" posted at <http://usac.org/sl/tools/reference/guide-usac-letter-reports.aspx> for more information on each of the fields in the Report. USAC is also sending this information to the applicant for informational purposes. If USAC has determined the applicant is also responsible for any rule violation on the FRN(s), a separate letter will be sent to the applicant detailing the necessary applicant action.

Note that if the Funds Disbursed to Date amount is less than the Adjusted Funding Commitment amount, USAC will continue to process properly filed invoices up to the Adjusted Funding Commitment amount. Review the Funding Commitment Adjustment Explanation in the attached Report for an explanation of the reduction to the commitment(s). Please ensure that any invoices that you or the applicant(s) submits to USAC are consistent with Program rules as indicated in the Funding Commitment Adjustment Explanation. If the Funds Disbursed to Date amount exceeds the Adjusted Funding Commitment amount, USAC will have to recover some or all of the disbursed funds. The Report explains the exact amount (if any) the service provider is responsible for repaying.

Schools and Libraries Division  
Universal Services Administrative Company

cc: Cliff Myers  
BATAVIA LOCAL SCHOOL DISTRICT

Funding Commitment Adjustment Report  
Form 471 Application Number: 574113

---

Funding Request Number:	1594900
Contract Number:	HCCA08507
Services Ordered:	INTERNET ACCESS
Billing Account Number:	
Original Funding Commitment:	\$13,167.00
Commitment Adjustment Amount:	\$13,167.00
Adjusted Funding Commitment:	\$0.00
Funds Disbursed to Date:	\$13,167.00
Funds to be Recovered from Service Provider:	\$13,167.00

Funding Commitment Adjustment Explanation:

After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. During a review, it was determined that the school official who was involved in determining the services sought by the applicant and the selection of the applicants service providers is associated with a service provider that was selected. The Batavia Local School Districts superintendent who made the vendor selection decision on the districts E-rate procurement decisions and who was the authorized signer on the FCC Forms 470 and 471, also sits on the board of the Hamilton Clermont Cooperative Association (HCCA), the service provider to the district. There was no response to the administrators request to explain what steps the district may have taken to mitigate this conflict. FCC rules require applicants to submit a Form 470 to initiate the competitive bidding process and to conduct a fair and open process. Neither the applicant nor the applicants consultant should have a relationship with a service provider prior to the competitive bidding that would unfairly influence the outcome of a competition or would furnish the service provider with "inside" information or allow it to unfairly compete in any way. Since the applicant has engaged in an improper relationship with a selected service provider, which represents a conflict of interest and compromises the competitive bidding process, the commitment has been rescinded in full and USAC will seek recovery of any improperly disbursed funds from both the applicant and service provider.

Jason Shoemake  
BATAVIA LOCAL SCHOOL DISTRICT  
1 Bulldog Place  
Batavia, OH 45103

Notification of Commitment Adjustment Letter

Funding Year 2008: July 1, 2008 - June 30, 2009

January 23, 2012

Cliff Myers  
BATAVIA LOCAL SCHOOL DISTRICT  
215 Broadway  
Batavia, OH 45103

Re: Form 471 Application Number:	621721
Funding Year:	2008
Applicant's Form Identifier:	B47108
Billed Entity Number:	129828
FCC Registration Number:	0007353006
SPIN:	143024403
Service Provider Name:	Hamilton Clermont Cooperative Association
Service Provider Contact Person:	Al Porter

Our routine review of Schools and Libraries Program (Program) funding commitments has revealed certain applications where funds were committed in violation of Program rules.

In order to be sure that no funds are used in violation of Program rules, the Universal Service Administrative Company (USAC) must now adjust your overall funding commitment. The purpose of this letter is to make the required adjustments to your funding commitment, and to give you an opportunity to appeal this decision. USAC has determined the applicant is responsible for all or some of the violations. Therefore, the applicant is responsible to repay all or some of the funds disbursed in error (if any).

This is NOT a bill. If recovery of disbursed funds is required, the next step in the recovery process is for USAC to issue you a Demand Payment Letter. The balance of the debt will be due within 30 days of that letter. Failure to pay the debt within 30 days from the date of the Demand Payment Letter could result in interest, late payment fees, administrative charges and implementation of the "Red Light Rule." The FCC's Red Light Rule requires USAC to dismiss pending FCC Form 471 applications if the entity responsible for paying the outstanding debt has not paid the debt, or otherwise made satisfactory arrangements to pay the debt within 30 days of the notice provided by USAC. For more information on the Red Light Rule, please see "Red Light Frequently Asked Questions (FAQs)" posted on the FCC website at [http://www.fcc.gov/debt\\_collection/faq.html](http://www.fcc.gov/debt_collection/faq.html).

TO APPEAL THIS DECISION:

You have the option of filing an appeal with USAC or directly with the Federal Communications Commission (FCC).

If you wish to appeal the Commitment Adjustment Decision indicated in this letter to USAC your appeal must be received or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and email address (if available) for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Identify the date of the Notification of Commitment Adjustment Letter and the Funding Request Number(s) (FRN) you are appealing. Your letter of appeal must include the
  - Billed Entity Name,
  - Form 471 Application Number,
  - Billed Entity Number, and
  - FCC Registration Number (FCC RN) from the top of your letter.
3. When explaining your appeal, copy the language or text from the Notification of Commitment Adjustment Letter that is the subject of your appeal to allow USAC to more readily understand your appeal and respond appropriately. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal including any correspondence and documentation.
4. If you are an applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are a service provider, please provide a copy of your appeal to the applicant(s) affected by USAC's decision.
5. Provide an authorized signature on your letter of appeal.

To submit your appeal to us on paper, send your appeal to:

Letter of Appeal  
Schools and Libraries Division - Correspondence Unit  
100 S. Jefferson Rd.  
P. O. Box 902  
Whippany, NJ 07981

For more information on submitting an appeal to USAC, please see the "Appeals Procedure" posted on our website.

If you wish to appeal a decision in this letter to the FCC, you should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received by the FCC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. We strongly recommend that you use the electronic filing options described in the "Appeals Procedure" posted on our website. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554.

## FUNDING COMMITMENT ADJUSTMENT REPORT

On the pages following this letter, we have provided a Funding Commitment Adjustment Report (Report) for the Form 471 application cited above. The enclosed Report includes the Funding Request Number(s) from your application for which adjustments are necessary. See the "Guide to USAC Letter Reports" posted at <http://usac.org/sl/tools/reference/guide-usac-letter-reports.aspx> for more information on each of the fields in the Report. USAC is also sending this information to your service provider(s) for informational purposes. If USAC has determined the service provider is also responsible for any rule violation on the FRN(s), a separate letter will be sent to the service provider detailing the necessary service provider action.

Note that if the Funds Disbursed to Date amount is less than the Adjusted Funding Commitment amount, USAC will continue to process properly filed invoices up to the Adjusted Funding Commitment amount. Review the Funding Commitment Adjustment Explanation in the attached Report for an explanation of the reduction to the commitment(s). Please ensure that any invoices that you or your service provider(s) submits to USAC are consistent with Program rules as indicated in the Funding Commitment Adjustment Explanation. If the Funds Disbursed to Date amount exceeds your Adjusted Funding Commitment amount, USAC will have to recover some or all of the disbursed funds. The Report explains the exact amount (if any) the applicant is responsible for repaying.

Schools and Libraries Division  
Universal Services Administrative Company

cc: Al Porter  
Hamilton Clermont Cooperative Association

Funding Commitment Adjustment Report for  
Form 471 Application Number: 621721

Funding Request Number:	1714688
Services Ordered:	INTERNET ACCESS
SPIN:	143024403
Service Provider Name:	Hamilton Clermont Cooperative Associat
Contract Number:	HCCA08507
Billing Account Number:	
Site Identifier:	129828
Original Funding Commitment:	\$13,167.00
Commitment Adjustment Amount:	\$13,167.00
Adjusted Funding Commitment:	\$0.00
Funds Disbursed to Date	\$13,167.00
Funds to be Recovered from Applicant:	\$13,167.00
Funding Commitment Adjustment Explanation:	

After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. During a review, it was determined that the school official who was involved in determining the services sought by the applicant and the selection of the applicants service providers is associated with a service provider that was selected. The Batavia Local School Districts superintendent who made the vendor selection decision on the districts E-rate procurement decisions and who was the authorized signer on the FCC Forms 470 and 471, also sits on the board of the Hamilton Clermont Cooperative Association (HCCA), the service provider to the district. There was no response to the administrators request to explain what steps the district may have taken to mitigate this conflict. FCC rules require applicants to submit a Form 470 to initiate the competitive bidding process and to conduct a fair and open process. Neither the applicant nor the applicants consultant should have a relationship with a service provider prior to the competitive bidding that would unfairly influence the outcome of a competition or would furnish the service provider with "inside" information or allow it to unfairly compete in any way. Since the applicant has engaged in an improper relationship with a selected service provider, which represents a conflict of interest and compromises the competitive bidding process, the commitment has been rescinded in full and USAC will seek recovery of any improperly disbursed funds from both the applicant and service provider.

Jason Shoemake  
BATAVIA LOCAL SCHOOL DISTRICT  
1 Bulldog Place  
Batavia, OH 45103

Notification of Commitment Adjustment Letter

Funding Year 2008: July 1, 2008 - June 30, 2009

January 23, 2012

Al Porter  
Hamilton Clermont Cooperative Association  
7615 Harrison Avenue  
Cincinnati, OH 45231-3107

Re: SPIN:	143024403
Service Provider Name:	Hamilton Clermont Cooperative Association
Form 471 Application Number:	621721
Funding Year:	2008
FCC Registration Number:	
Applicant Name	BATAVIA LOCAL SCHOOL DISTRICT
Billed Entity Number:	129828
Applicant Contact Person:	Cliff Myers

Our routine review of Schools and Libraries Program funding commitments has revealed certain applications where funds were committed in violation of Program rules.

In order to be sure that no funds are used in violation of Program rules, the Universal Service Administrative Company (USAC) must now adjust the overall funding commitment. The purpose of this letter is to make the required adjustments to the funding commitment, and to give you an opportunity to appeal this decision. USAC has determined the service provider is responsible for all or some of the program rule violations. Therefore, the service provider is responsible to repay all or some of the funds disbursed in error (if any).

This is NOT a bill. If recovery of disbursed funds is required, the next step in the recovery process is for USAC to issue you a Demand Payment Letter. The balance of the debt will be due within 30 days of that letter. Failure to pay the debt within 30 days from the date of the Demand Payment Letter could result in interest, late payment fees, administrative charges and implementation of the "Red Light Rule." The FCC's Red Light Rule requires USAC to dismiss pending FCC Form 471 applications if the entity responsible for paying the outstanding debt has not paid the debt, or otherwise made satisfactory arrangements to pay the debt within 30 days of the notice provided by USAC. For more information on the Red Light Rule, please see "Red Light Frequently Asked Questions (FAQs)" posted on the FCC website at [http://www.fcc.gov/debt\\_collection/faq.html](http://www.fcc.gov/debt_collection/faq.html).

TO APPEAL THIS DECISION:

You have the option of filing an appeal with USAC or directly with the Federal Communications Commission (FCC).

If you wish to appeal the Commitment Adjustment Decision indicated in this letter to USAC your appeal must be received or postmarked within 60 days of the date of this letter. If you wish to appeal the Commitment Adjustment Decision indicated in this letter, your appeal must be received or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and email address (if available) for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Identify the date of the Notification of Commitment Adjustment Letter and the Funding Request Number(s) (FRN) you are appealing. Your letter of appeal must include the
  - Billed Entity Name,
  - Form 471 Application Number,
  - Billed Entity Number, and
  - FCC Registration Number (FCC RN) from the top of your letter.
3. When explaining your appeal, copy the language or text from the Notification of Commitment Adjustment Letter that is the subject of your appeal to allow USAC to more readily understand your appeal and respond appropriately. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal including any correspondence and documentation.
4. If you are an applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are a service provider, please provide a copy of your appeal to the applicant(s) affected by USAC's decision.
5. Provide an authorized signature on your letter of appeal. To submit your appeal to USAC by email, email your appeal to [appeals@sl.universalservice.org](mailto:appeals@sl.universalservice.org). USAC will automatically reply to incoming emails to confirm receipt.

To submit your appeal to us by fax, fax your appeal to (973) 599-6542.

To submit your appeal to us on paper, send your appeal to:

Letter of Appeal  
Schools and Libraries Division - Correspondence Unit  
100 S. Jefferson Rd.  
P. O. Box 902  
Whippany, NJ 07981

For more information on submitting an appeal to USAC, please see the "Appeals Procedure" posted on our website.

If you wish to appeal a decision in this letter to the FCC, you should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received by the FCC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. We strongly recommend that you use the electronic filing options described in the "Appeals Procedure" posted on our website. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554.

Funding Commitment Adjustment Report  
Form 471 Application Number: 621721

---

Funding Request Number:	1714688
Contract Number:	HCCA08507
Services Ordered:	INTERNET ACCESS
Billing Account Number:	
Original Funding Commitment:	\$13,167.00
Commitment Adjustment Amount:	\$13,167.00
Adjusted Funding Commitment:	\$0.00
Funds Disbursed to Date:	\$13,167.00
Funds to be Recovered from Service Provider:	\$13,167.00

Funding Commitment Adjustment Explanation:

After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. During a review, it was determined that the school official who was involved in determining the services sought by the applicant and the selection of the applicants service providers is associated with a service provider that was selected. The Batavia Local School Districts superintendent who made the vendor selection decision on the districts E-rate procurement decisions and who was the authorized signer on the FCC Forms 470 and 471, also sits on the board of the Hamilton Clermont Cooperative Association (HCCA), the service provider to the district. There was no response to the administrators request to explain what steps the district may have taken to mitigate this conflict. FCC rules require applicants to submit a Form 470 to initiate the competitive bidding process and to conduct a fair and open process. Neither the applicant nor the applicants consultant should have a relationship with a service provider prior to the competitive bidding that would unfairly influence the outcome of a competition or would furnish the service provider with "inside" information or allow it to unfairly compete in any way. Since the applicant has engaged in an improper relationship with a selected service provider, which represents a conflict of interest and compromises the competitive bidding process, the commitment has been rescinded in full and USAC will seek recovery of any improperly disbursed funds from both the applicant and service provider.

Jason Shoemake  
BATAVIA LOCAL SCHOOL DISTRICT  
1 Bulldog Place  
Batavia, OH 45103



Universal Service Administrative Company

Schools and Libraries Division

**Notification of Commitment Adjustment Letter**

**Funding Year 2009: July 1, 2009 - June 30, 2010**

January 23, 2012

Cliff Myers  
BATAVIA LOCAL SCHOOL DISTRICT  
215 Broadway  
Batavia, OH 45103

Re: Form 471 Application Number:	679041
Funding Year:	2009
Applicant's Form Identifier:	B47109
Billed Entity Number:	129828
FCC Registration Number:	0007353006
SPIN:	143024403
Service Provider Name:	Hamilton Clermont Cooperative Association
Service Provider Contact Person:	Al Porter

Our routine review of Schools and Libraries Program (Program) funding commitments has revealed certain applications where funds were committed in violation of Program rules.

In order to be sure that no funds are used in violation of Program rules, the Universal Service Administrative Company (USAC) must now adjust your overall funding commitment. The purpose of this letter is to make the required adjustments to your funding commitment, and to give you an opportunity to appeal this decision. USAC has determined the applicant is responsible for all or some of the violations. Therefore, the applicant is responsible to repay all or some of the funds disbursed in error (if any).

This is NOT a bill. If recovery of disbursed funds is required, the next step in the recovery process is for USAC to issue you a Demand Payment Letter. The balance of the debt will be due within 30 days of that letter. Failure to pay the debt within 30 days from the date of the Demand Payment Letter could result in interest, late payment fees, administrative charges and implementation of the "Red Light Rule." The FCC's Red Light Rule requires USAC to dismiss pending FCC Form 471 applications if the entity responsible for paying the outstanding debt has not paid the debt, or otherwise made satisfactory arrangements to pay the debt within 30 days of the notice provided by USAC. For more information on the Red Light Rule, please see "Red Light Frequently Asked Questions (FAQs)" posted on the FCC website at [http://www.fcc.gov/debt\\_collection/faq.html](http://www.fcc.gov/debt_collection/faq.html).

TO APPEAL THIS DECISION:

You have the option of filing an appeal with USAC or directly with the Federal Communications Commission (FCC).

If you wish to appeal the Commitment Adjustment Decision indicated in this letter to USAC your appeal must be received or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and email address (if available) for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Identify the date of the Notification of Commitment Adjustment Letter and the Funding Request Number(s) (FRN) you are appealing. Your letter of appeal must include the
  - Billed Entity Name,
  - Form 471 Application Number,
  - Billed Entity Number, and
  - FCC Registration Number (FCC RN) from the top of your letter.
3. When explaining your appeal, copy the language or text from the Notification of Commitment Adjustment Letter that is the subject of your appeal to allow USAC to more readily understand your appeal and respond appropriately. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal including any correspondence and documentation.
4. If you are an applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are a service provider, please provide a copy of your appeal to the applicant(s) affected by USAC's decision.
5. Provide an authorized signature on your letter of appeal.

To submit your appeal to us on paper, send your appeal to:

Letter of Appeal  
Schools and Libraries Division - Correspondence Unit  
100 S. Jefferson Rd.  
P. O. Box 902  
Whippany, NJ 07981

For more information on submitting an appeal to USAC, please see the "Appeals Procedure" posted on our website.

If you wish to appeal a decision in this letter to the FCC, you should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received by the FCC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. We strongly recommend that you use the electronic filing options described in the "Appeals Procedure" posted on our website. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554.

## FUNDING COMMITMENT ADJUSTMENT REPORT

On the pages following this letter, we have provided a Funding Commitment Adjustment Report (Report) for the Form 471 application cited above. The enclosed Report includes the Funding Request Number(s) from your application for which adjustments are necessary. See the "Guide to USAC Letter Reports" posted at <http://usac.org/sl/tools/reference/guide-usac-letter-reports.aspx> for more information on each of the fields in the Report. USAC is also sending this information to your service provider(s) for informational purposes. If USAC has determined the service provider is also responsible for any rule violation on the FRN(s), a separate letter will be sent to the service provider detailing the necessary service provider action.

Note that if the Funds Disbursed to Date amount is less than the Adjusted Funding Commitment amount, USAC will continue to process properly filed invoices up to the Adjusted Funding Commitment amount. Review the Funding Commitment Adjustment Explanation in the attached Report for an explanation of the reduction to the commitment(s). Please ensure that any invoices that you or your service provider(s) submits to USAC are consistent with Program rules as indicated in the Funding Commitment Adjustment Explanation. If the Funds Disbursed to Date amount exceeds your Adjusted Funding Commitment amount, USAC will have to recover some or all of the disbursed funds. The Report explains the exact amount (if any) the applicant is responsible for repaying.

Schools and Libraries Division  
Universal Services Administrative Company

cc: Al Porter  
Hamilton Clermont Cooperative Association

Funding Commitment Adjustment Report for  
Form 471 Application Number: 679041

Funding Request Number:	1854780
Services Ordered:	INTERNET ACCESS
SPIN:	143024403
Service Provider Name:	Hamilton Clermont Cooperative Associat
Contract Number:	HCCA08507
Billing Account Number:	N/A
Site Identifier:	129828
Original Funding Commitment:	\$13,167.00
Commitment Adjustment Amount:	\$13,167.00
Adjusted Funding Commitment:	\$0.00
Funds Disbursed to Date	\$6,583.50
Funds to be Recovered from Applicant:	\$6,583.50
Funding Commitment Adjustment Explanation:	

After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. During a review, it was determined that the school official who was involved in determining the services sought by the applicant and the selection of the applicants service providers is associated with a service provider that was selected. The Batavia Local School Districts superintendent who made the vendor selection decision on the districts E-rate procurement decisions and who was the authorized signer on the FCC Forms 470 and 471, also sits on the board of the Hamilton Clermont Cooperative Association (HCCA), the service provider to the district. There was no response to the administrators request to explain what steps the district may have taken to mitigate this conflict. FCC rules require applicants to submit a Form 470 to initiate the competitive bidding process and to conduct a fair and open process. Neither the applicant nor the applicants consultant should have a relationship with a service provider prior to the competitive bidding that would unfairly influence the outcome of a competition or would furnish the service provider with "inside" information or allow it to unfairly compete in any way. Since the applicant has engaged in an improper relationship with a selected service provider, which represents a conflict of interest and compromises the competitive bidding process, the commitment has been rescinded in full and USAC will seek recovery of any improperly disbursed funds from both the applicant and service provider.

Jason Shoemake  
BATAVIA LOCAL SCHOOL DISTRICT  
1 Bulldog Place  
Batavia, OH 45103



Schools & Libraries Division

Notification of Commitment Adjustment Letter

Funding Year 2009: July 1, 2009 - June 30, 2010

January 23, 2012

Al Porter  
Hamilton Clermont Cooperative Association  
7615 Harrison Avenue  
Cincinnati, OH 45231-3107

Re: SPIN:	143024403
Service Provider Name:	Hamilton Clermont Cooperative Association
Form 471 Application Number:	679041
Funding Year:	2009
FCC Registration Number:	
Applicant Name	BATAVIA LOCAL SCHOOL DISTRICT
Billed Entity Number:	129828
Applicant Contact Person:	Cliff Myers

Our routine review of Schools and Libraries Program funding commitments has revealed certain applications where funds were committed in violation of Program rules.

In order to be sure that no funds are used in violation of Program rules, the Universal Service Administrative Company (USAC) must now adjust the overall funding commitment. The purpose of this letter is to make the required adjustments to the funding commitment, and to give you an opportunity to appeal this decision. USAC has determined the service provider is responsible for all or some of the program rule violations. Therefore, the service provider is responsible to repay all or some of the funds disbursed in error (if any).

This is NOT a bill. If recovery of disbursed funds is required, the next step in the recovery process is for USAC to issue you a Demand Payment Letter. The balance of the debt will be due within 30 days of that letter. Failure to pay the debt within 30 days from the date of the Demand Payment Letter could result in interest, late payment fees, administrative charges and implementation of the "Red Light Rule." The FCC's Red Light Rule requires USAC to dismiss pending FCC Form 471 applications if the entity responsible for paying the outstanding debt has not paid the debt, or otherwise made satisfactory arrangements to pay the debt within 30 days of the notice provided by USAC. For more information on the Red Light Rule, please see "Red Light Frequently Asked Questions (FAQs)" posted on the FCC website at [http://www.fcc.gov/debt\\_collection/faq.html](http://www.fcc.gov/debt_collection/faq.html).

Schools and Libraries Division - Correspondence Unit  
100 South Jefferson Road, P.O. Box 902, Whippany, NJ 07981  
Visit us online at: [www.usac.org/sl](http://www.usac.org/sl)

TO APPEAL THIS DECISION:

You have the option of filing an appeal with USAC or directly with the Federal Communications Commission (FCC).

If you wish to appeal the Commitment Adjustment Decision indicated in this letter to USAC your appeal must be received or postmarked within 60 days of the date of this letter. If you wish to appeal the Commitment Adjustment Decision indicated in this letter, your appeal must be received or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and email address (if available) for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Identify the date of the Notification of Commitment Adjustment Letter and the Funding Request Number(s) (FRN) you are appealing. Your letter of appeal must include the
  - Billed Entity Name,
  - Form 471 Application Number,
  - Billed Entity Number, and
  - FCC Registration Number (FCC RN) from the top of your letter.
3. When explaining your appeal, copy the language or text from the Notification of Commitment Adjustment Letter that is the subject of your appeal to allow USAC to more readily understand your appeal and respond appropriately. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal including any correspondence and documentation.
4. If you are an applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are a service provider, please provide a copy of your appeal to the applicant(s) affected by USAC's decision.
5. Provide an authorized signature on your letter of appeal.  
To submit your appeal to USAC by email, email your appeal to [appeals@sl.universalservice.org](mailto:appeals@sl.universalservice.org). USAC will automatically reply to incoming emails to confirm receipt.

To submit your appeal to us by fax, fax your appeal to (973) 599-6542.

To submit your appeal to us on paper, send your appeal to:

Letter of Appeal  
Schools and Libraries Division - Correspondence Unit  
100 S. Jefferson Rd.  
P. O. Box 902  
Whippany, NJ 07981

For more information on submitting an appeal to USAC, please see the "Appeals Procedure" posted on our website.

If you wish to appeal a decision in this letter to the FCC, you should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received by the FCC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. We strongly recommend that you use the electronic filing options described in the "Appeals Procedure" posted on our website. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554.

On the pages following this letter, we have provided a Funding Commitment Adjustment Report (Report) for the Form 471 application cited above. The enclosed Report includes the Funding Request Number(s) from your application for which adjustments are necessary. See the "Guide to USAC Letter Reports" posted at <http://usac.org/sl/tools/reference/guide-usac-letter-reports.aspx> for more information on each of the fields in the Report. USAC is also sending this information to the applicant for informational purposes. If USAC has determined the applicant is also responsible for any rule violation on the FRN(s), a separate letter will be sent to the applicant detailing the necessary applicant action.

Note that if the Funds Disbursed to Date amount is less than the Adjusted Funding Commitment amount, USAC will continue to process properly filed invoices up to the Adjusted Funding Commitment amount. Review the Funding Commitment Adjustment Explanation in the attached Report for an explanation of the reduction to the commitment(s). Please ensure that any invoices that you or the applicant(s) submits to USAC are consistent with Program rules as indicated in the Funding Commitment Adjustment Explanation. If the Funds Disbursed to Date amount exceeds the Adjusted Funding Commitment amount, USAC will have to recover some or all of the disbursed funds. The Report explains the exact amount (if any) the service provider is responsible for repaying.

Schools and Libraries Division  
Universal Services Administrative Company

cc: Cliff Myers  
BATAVIA LOCAL SCHOOL DISTRICT

Funding Commitment Adjustment Report  
Form 471 Application Number: 679041

---

Funding Request Number:	1854780
Contract Number:	HCCA08507
Services Ordered:	INTERNET ACCESS
Billing Account Number:	N/A
Original Funding Commitment:	\$13,167.00
Commitment Adjustment Amount:	\$13,167.00
Adjusted Funding Commitment:	\$0.00
Funds Disbursed to Date:	\$6,583.50
Funds to be Recovered from Service Provider:	\$6,583.50

Funding Commitment Adjustment Explanation:

After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. During a review, it was determined that the school official who was involved in determining the services sought by the applicant and the selection of the applicants service providers is associated with a service provider that was selected. The Batavia Local School Districts superintendent who made the vendor selection decision on the districts E-rate procurement decisions and who was the authorized signer on the FCC Forms 470 and 471, also sits on the board of the Hamilton Clermont Cooperative Association (HCCA), the service provider to the district. There was no response to the administrators request to explain what steps the district may have taken to mitigate this conflict. FCC rules require applicants to submit a Form 470 to initiate the competitive bidding process and to conduct a fair and open process. Neither the applicant nor the applicants consultant should have a relationship with a service provider prior to the competitive bidding that would unfairly influence the outcome of a competition or would furnish the service provider with "inside" information or allow it to unfairly compete in any way. Since the applicant has engaged in an improper relationship with a selected service provider, which represents a conflict of interest and compromises the competitive bidding process, the commitment has been rescinded in full and USAC will seek recovery of any improperly disbursed funds from both the applicant and service provider.

Jason Shoemake  
BATAVIA LOCAL SCHOOL DISTRICT  
1 Bulldog Place  
Batavia, OH 45103



Universal Service Administrative Company

Schools and Libraries Division

**Notification of Commitment Adjustment Letter**

**Funding Year 2010: July 1, 2010 - June 30, 2011**

January 23, 2012

**Jason Shoemake  
BATAVIA LOCAL SCHOOL DISTRICT  
215 Broadway  
Batavia, ON 45103**

<b>Re: Form 471 Application Number:</b>	<b>739873</b>
<b>Funding Year:</b>	<b>2010</b>
<b>Applicant's Form Identifier:</b>	<b>bat471</b>
<b>Billed Entity Number:</b>	<b>129828</b>
<b>FCC Registration Number:</b>	<b>0007353006</b>
<b>SPIN:</b>	<b>143024403</b>
<b>Service Provider Name:</b>	<b>Hamilton Clermont Cooperative Association</b>
<b>Service Provider Contact Person:</b>	<b>Al Porter</b>

Our routine review of Schools and Libraries Program (Program) funding commitments has revealed certain applications where funds were committed in violation of Program rules.

In order to be sure that no funds are used in violation of Program rules, the Universal Service Administrative Company (USAC) must now adjust your overall funding commitment. The purpose of this letter is to make the required adjustments to your funding commitment, and to give you an opportunity to appeal this decision. USAC has determined the applicant is responsible for all or some of the violations. Therefore, the applicant is responsible to repay all or some of the funds disbursed in error (if any).

This is NOT a bill. If recovery of disbursed funds is required, the next step in the recovery process is for USAC to issue you a Demand Payment Letter. The balance of the debt will be due within 30 days of that letter. Failure to pay the debt within 30 days from the date of the Demand Payment Letter could result in interest, late payment fees, administrative charges and implementation of the "Red Light Rule." The FCC's Red Light Rule requires USAC to dismiss pending FCC Form 471 applications if the entity responsible for paying the outstanding debt has not paid the debt, or otherwise made satisfactory arrangements to pay the debt within 30 days of the notice provided by USAC. For more information on the Red Light Rule, please see "Red Light Frequently Asked Questions (FAQs)" posted on the FCC website at [http://www.fcc.gov/debt\\_collection/faq.html](http://www.fcc.gov/debt_collection/faq.html).

TO APPEAL THIS DECISION:

You have the option of filing an appeal with USAC or directly with the Federal Communications Commission (FCC).

If you wish to appeal the Commitment Adjustment Decision indicated in this letter to USAC your appeal must be received or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and email address (if available) for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Identify the date of the Notification of Commitment Adjustment Letter and the Funding Request Number(s) (FRN) you are appealing. Your letter of appeal must include the
  - Billed Entity Name,
  - Form 471 Application Number,
  - Billed Entity Number, and
  - FCC Registration Number (FCC RN) from the top of your letter.
3. When explaining your appeal, copy the language or text from the Notification of Commitment Adjustment Letter that is the subject of your appeal to allow USAC to more readily understand your appeal and respond appropriately. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal including any correspondence and documentation.
4. If you are an applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are a service provider, please provide a copy of your appeal to the applicant(s) affected by USAC's decision.
5. Provide an authorized signature on your letter of appeal.

To submit your appeal to us on paper, send your appeal to:

Letter of Appeal  
Schools and Libraries Division - Correspondence Unit  
100 S. Jefferson Rd.  
P. O. Box 902  
Whippany, NJ 07981

For more information on submitting an appeal to USAC, please see the "Appeals Procedure" posted on our website.

If you wish to appeal a decision in this letter to the FCC, you should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received by the FCC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. We strongly recommend that you use the electronic filing options described in the "Appeals Procedure" posted on our website. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554.

## FUNDING COMMITMENT ADJUSTMENT REPORT

On the pages following this letter, we have provided a Funding Commitment Adjustment Report (Report) for the Form 471 application cited above. The enclosed Report includes the Funding Request Number(s) from your application for which adjustments are necessary. See the "Guide to USAC Letter Reports" posted at <http://usac.org/sl/tools/reference/guide-usac-letter-reports.aspx> for more information on each of the fields in the Report. USAC is also sending this information to your service provider(s) for informational purposes. If USAC has determined the service provider is also responsible for any rule violation on the FRN(s), a separate letter will be sent to the service provider detailing the necessary service provider action.

Note that if the Funds Disbursed to Date amount is less than the Adjusted Funding Commitment amount, USAC will continue to process properly filed invoices up to the Adjusted Funding Commitment amount. Review the Funding Commitment Adjustment Explanation in the attached Report for an explanation of the reduction to the commitment(s). Please ensure that any invoices that you or your service provider(s) submits to USAC are consistent with Program rules as indicated in the Funding Commitment Adjustment Explanation. If the Funds Disbursed to Date amount exceeds your Adjusted Funding Commitment amount, USAC will have to recover some or all of the disbursed funds. The Report explains the exact amount (if any) the applicant is responsible for repaying.

Schools and Libraries Division  
Universal Services Administrative Company

cc: Al Porter  
Hamilton Clermont Cooperative Association

Funding Commitment Adjustment Report for  
Form 471 Application Number: 739873

Funding Request Number:	2011430
Services Ordered:	INTERNET ACCESS
SPIN:	143024403
Service Provider Name:	Hamilton Clermont Cooperative Associat
Contract Number:	HCCA08510
Billing Account Number:	N/A
Site Identifier:	129828
Original Funding Commitment:	\$15,708.00
Commitment Adjustment Amount:	\$15,708.00
Adjusted Funding Commitment:	\$0.00
Funds Disbursed to Date	\$15,708.00
Funds to be Recovered from Applicant:	\$15,708.00
Funding Commitment Adjustment Explanation:	

After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. During a review, it was determined that the school official who was involved in determining the services sought by the applicant and the selection of the applicants service providers is associated with a service provider that was selected. The Batavia Local School Districts superintendent who made the vendor selection decision on the districts E-rate procurement decisions and who was the authorized signer on the FCC Forms 470 and 471, also sits on the board of the Hamilton Clermont Cooperative Association (HCCA), the service provider to the district. There was no response to the administrators request to explain what steps the district may have taken to mitigate this conflict. FCC rules require applicants to submit a Form 470 to initiate the competitive bidding process and to conduct a fair and open process. Neither the applicant nor the applicants consultant should have a relationship with a service provider prior to the competitive bidding that would unfairly influence the outcome of a competition or would furnish the service provider with "inside" information or allow it to unfairly compete in any way. Since the applicant has engaged in an improper relationship with a selected service provider, which represents a conflict of interest and compromises the competitive bidding process, the commitment has been rescinded in full and USAC will seek recovery of any improperly disbursed funds from both the applicant and service provider.

Jason Shoemake  
BATAVIA LOCAL SCHOOL DISTRICT  
215 Broadway  
Batavia, ON 45103



Universal Service Administrative Company

Schools & Libraries Division

---

Notification of Commitment Adjustment Letter

Funding Year 2010: July 1, 2010 - June 30, 2011

January 23, 2012

Al Porter  
Hamilton Clermont Cooperative Association  
7615 Harrison Avenue  
Cincinnati, OH 45231-3107

Re: SPIN:	143024403
Service Provider Name:	Hamilton Clermont Cooperative Association
Form 471 Application Number:	739873
Funding Year:	2010
FCC Registration Number:	
Applicant Name	BATAVIA LOCAL SCHOOL DISTRICT
Billed Entity Number:	129828
Applicant Contact Person:	Jason Shoemake

Our routine review of Schools and Libraries Program funding commitments has revealed certain applications where funds were committed in violation of Program rules.

In order to be sure that no funds are used in violation of Program rules, the Universal Service Administrative Company (USAC) must now adjust the overall funding commitment. The purpose of this letter is to make the required adjustments to the funding commitment, and to give you an opportunity to appeal this decision. USAC has determined the service provider is responsible for all or some of the program rule violations. Therefore, the service provider is responsible to repay all or some of the funds disbursed in error (if any).

This is NOT a bill. If recovery of disbursed funds is required, the next step in the recovery process is for USAC to issue you a Demand Payment Letter. The balance of the debt will be due within 30 days of that letter. Failure to pay the debt within 30 days from the date of the Demand Payment Letter could result in interest, late payment fees, administrative charges and implementation of the "Red Light Rule." The FCC's Red Light Rule requires USAC to dismiss pending FCC Form 471 applications if the entity responsible for paying the outstanding debt has not paid the debt, or otherwise made satisfactory arrangements to pay the debt within 30 days of the notice provided by USAC. For more information on the Red Light Rule, please see "Red Light Frequently Asked Questions (FAQs)" posted on the FCC website at [http://www.fcc.gov/debt\\_collection/faq.html](http://www.fcc.gov/debt_collection/faq.html).

Schools and Libraries Division - Correspondence Unit  
100 South Jefferson Road, P.O. Box 902, Whippany, NJ 07981  
Visit us online at: [www.usac.org/sl](http://www.usac.org/sl)

TO APPEAL THIS DECISION:

You have the option of filing an appeal with USAC or directly with the Federal Communications Commission (FCC).

If you wish to appeal the Commitment Adjustment Decision indicated in this letter to USAC your appeal must be received or postmarked within 60 days of the date of this letter. If you wish to appeal the Commitment Adjustment Decision indicated in this letter, your appeal must be received or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and email address (if available) for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Identify the date of the Notification of Commitment Adjustment Letter and the Funding Request Number(s) (FRN) you are appealing. Your letter of appeal must include the
  - Billed Entity Name,
  - Form 471 Application Number,
  - Billed Entity Number, and
  - FCC Registration Number (FCC RN) from the top of your letter.
3. When explaining your appeal, copy the language or text from the Notification of Commitment Adjustment Letter that is the subject of your appeal to allow USAC to more readily understand your appeal and respond appropriately. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal including any correspondence and documentation.
4. If you are an applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are a service provider, please provide a copy of your appeal to the applicant(s) affected by USAC's decision.
5. Provide an authorized signature on your letter of appeal.  
To submit your appeal to USAC by email, email your appeal to [appeals@sl.universalservice.org](mailto:appeals@sl.universalservice.org). USAC will automatically reply to incoming emails to confirm receipt.

To submit your appeal to us by fax, fax your appeal to (973) 599-6542.

To submit your appeal to us on paper, send your appeal to:

Letter of Appeal  
Schools and Libraries Division - Correspondence Unit  
100 S. Jefferson Rd.  
P. O. Box 902  
Whippany, NJ 07981

For more information on submitting an appeal to USAC, please see the "Appeals Procedure" posted on our website.

If you wish to appeal a decision in this letter to the FCC, you should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received by the FCC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. We strongly recommend that you use the electronic filing options described in the "Appeals Procedure" posted on our website. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554.

On the pages following this letter, we have provided a Funding Commitment Adjustment Report (Report) for the Form 471 application cited above. The enclosed Report includes the Funding Request Number(s) from your application for which adjustments are necessary. See the "Guide to USAC Letter Reports" posted at <http://usac.org/sl/tools/reference/guide-usac-letter-reports.aspx> for more information on each of the fields in the Report. USAC is also sending this information to the applicant for informational purposes. If USAC has determined the applicant is also responsible for any rule violation on the FRN(s), a separate letter will be sent to the applicant detailing the necessary applicant action.

Note that if the Funds Disbursed to Date amount is less than the Adjusted Funding Commitment amount, USAC will continue to process properly filed invoices up to the Adjusted Funding Commitment amount. Review the Funding Commitment Adjustment Explanation in the attached Report for an explanation of the reduction to the commitment(s). Please ensure that any invoices that you or the applicant(s) submits to USAC are consistent with Program rules as indicated in the Funding Commitment Adjustment Explanation. If the Funds Disbursed to Date amount exceeds the Adjusted Funding Commitment amount, USAC will have to recover some or all of the disbursed funds. The Report explains the exact amount (if any) the service provider is responsible for repaying.

Schools and Libraries Division  
Universal Services Administrative Company

cc: Jason Shoemake  
BATAVIA LOCAL SCHOOL DISTRICT

Funding Commitment Adjustment Report  
Form 471 Application Number: 739873

---

Funding Request Number:	2011430
Contract Number:	HCCA08510
Services Ordered:	INTERNET ACCESS
Billing Account Number:	N/A
Original Funding Commitment:	\$15,708.00
Commitment Adjustment Amount:	\$15,708.00
Adjusted Funding Commitment:	\$0.00
Funds Disbursed to Date:	\$15,708.00
Funds to be Recovered from Service Provider:	\$15,708.00

Funding Commitment Adjustment Explanation:

After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. During a review, it was determined that the school official who was involved in determining the services sought by the applicant and the selection of the applicants service providers is associated with a service provider that was selected. The Batavia Local School Districts superintendent who made the vendor selection decision on the districts E-rate procurement decisions and who was the authorized signer on the FCC Forms 470 and 471, also sits on the board of the Hamilton Clermont Cooperative Association (HCCA), the service provider to the district. There was no response to the administrators request to explain what steps the district may have taken to mitigate this conflict. FCC rules require applicants to submit a Form 470 to initiate the competitive bidding process and to conduct a fair and open process. Neither the applicant nor the applicants consultant should have a relationship with a service provider prior to the competitive bidding that would unfairly influence the outcome of a competition or would furnish the service provider with "inside" information or allow it to unfairly compete in any way. Since the applicant has engaged in an improper relationship with a selected service provider, which represents a conflict of interest and compromises the competitive bidding process, the commitment has been rescinded in full and USAC will seek recovery of any improperly disbursed funds from both the applicant and service provider.

Jason Shoemake

BATAVIA LOCAL SCHOOL DISTRICT

215 Broadway

Batavia, ON 45103



Universal Service Administrative Company

Schools and Libraries Division

Notification of Commitment Adjustment Letter

Funding Year 2011: July 1, 2011 - June 30, 2012

January 23, 2012

Jason Shoemaker  
BATAVIA LOCAL SCHOOL DISTRICT  
1 Bulldog Place  
Batavia, OH 45103

Re: Form 471 Application Number:	808433
Funding Year:	2011
Applicant's Form Identifier:	bat471
Billed Entity Number:	129828
FCC Registration Number:	0007353006
SPIN:	143024403
Service Provider Name:	Hamilton Clermont Cooperative Association
Service Provider Contact Person:	Al Porter

Our routine review of Schools and Libraries Program (Program) funding commitments has revealed certain applications where funds were committed in violation of Program rules.

In order to be sure that no funds are used in violation of Program rules, the Universal Service Administrative Company (USAC) must now adjust your overall funding commitment. The purpose of this letter is to make the required adjustments to your funding commitment, and to give you an opportunity to appeal this decision. USAC has determined the applicant is responsible for all or some of the violations. Therefore, the applicant is responsible to repay all or some of the funds disbursed in error (if any).

This is NOT a bill. If recovery of disbursed funds is required, the next step in the recovery process is for USAC to issue you a Demand Payment Letter. The balance of the debt will be due within 30 days of that letter. Failure to pay the debt within 30 days from the date of the Demand Payment Letter could result in interest, late payment fees, administrative charges and implementation of the "Red Light Rule." The FCC's Red Light Rule requires USAC to dismiss pending FCC Form 471 applications if the entity responsible for paying the outstanding debt has not paid the debt, or otherwise made satisfactory arrangements to pay the debt within 30 days of the notice provided by USAC. For more information on the Red Light Rule, please see "Red Light Frequently Asked Questions (FAQs)" posted on the FCC website at [http://www.fcc.gov/debt\\_collection/faq.html](http://www.fcc.gov/debt_collection/faq.html).

TO APPEAL THIS DECISION:

You have the option of filing an appeal with USAC or directly with the Federal Communications Commission (FCC).

If you wish to appeal the Commitment Adjustment Decision indicated in this letter to USAC your appeal must be received or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and email address (if available) for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Identify the date of the Notification of Commitment Adjustment Letter and the Funding Request Number(s) (FRN) you are appealing. Your letter of appeal must include the
  - Billed Entity Name,
  - Form 471 Application Number,
  - Billed Entity Number, and
  - FCC Registration Number (FCC RN) from the top of your letter.
3. When explaining your appeal, copy the language or text from the Notification of Commitment Adjustment Letter that is the subject of your appeal to allow USAC to more readily understand your appeal and respond appropriately. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal including any correspondence and documentation.
4. If you are an applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are a service provider, please provide a copy of your appeal to the applicant(s) affected by USAC's decision.
5. Provide an authorized signature on your letter of appeal.

To submit your appeal to us on paper, send your appeal to:

Letter of Appeal  
Schools and Libraries Division - Correspondence Unit  
100 S. Jefferson Rd.  
P. O. Box 902  
Whippany, NJ 07981

For more information on submitting an appeal to USAC, please see the "Appeals Procedure" posted on our website.

If you wish to appeal a decision in this letter to the FCC, you should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received by the FCC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. We strongly recommend that you use the electronic filing options described in the "Appeals Procedure" posted on our website. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554.

## FUNDING COMMITMENT ADJUSTMENT REPORT

On the pages following this letter, we have provided a Funding Commitment Adjustment Report (Report) for the Form 471 application cited above. The enclosed Report includes the Funding Request Number(s) from your application for which adjustments are necessary. See the "Guide to USAC Letter Reports" posted at <http://usac.org/sl/tools/reference/guide-usac-letter-reports.aspx> for more information on each of the fields in the Report. USAC is also sending this information to your service provider(s) for informational purposes. If USAC has determined the service provider is also responsible for any rule violation on the FRN(s), a separate letter will be sent to the service provider detailing the necessary service provider action.

Note that if the Funds Disbursed to Date amount is less than the Adjusted Funding Commitment amount, USAC will continue to process properly filed invoices up to the Adjusted Funding Commitment amount. Review the Funding Commitment Adjustment Explanation in the attached Report for an explanation of the reduction to the commitment(s). Please ensure that any invoices that you or your service provider(s) submits to USAC are consistent with Program rules as indicated in the Funding Commitment Adjustment Explanation. If the Funds Disbursed to Date amount exceeds your Adjusted Funding Commitment amount, USAC will have to recover some or all of the disbursed funds. The Report explains the exact amount (if any) the applicant is responsible for repaying.

Schools and Libraries Division  
Universal Services Administrative Company

cc: Al Porter  
Hamilton Clermont Cooperative Association

Funding Commitment Adjustment Report for  
Form 471 Application Number: 808433

Funding Request Number:	2195432
Services Ordered:	INTERNET ACCESS
SPIN:	143024403
Service Provider Name:	Hamilton Clermont Cooperative Associat
Contract Number:	HCCA08510
Billing Account Number:	N/A
Site Identifier:	129828
Original Funding Commitment:	\$15,015.00
Commitment Adjustment Amount:	\$15,015.00
Adjusted Funding Commitment:	\$0.00
Funds Disbursed to Date	\$0.00
Funds to be Recovered from Applicant:	\$0.00
Funding Commitment Adjustment Explanation:	

After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. During a review, it was determined that the school official who was involved in determining the services sought by the applicant and the selection of the applicants service providers is associated with a service provider that was selected. The Batavia Local School Districts superintendent who made the vendor selection decision on the districts E-rate procurement decisions and who was the authorized signer on the FCC Forms 470 and 471, also sits on the board of the Hamilton Clermont Cooperative Association (HCCA), the service provider to the district. There was no response to the administrators request to explain what steps the district may have taken to mitigate this conflict. FCC rules require applicants to submit a Form 470 to initiate the competitive bidding process and to conduct a fair and open process. Neither the applicant nor the applicants consultant should have a relationship with a service provider prior to the competitive bidding that would unfairly influence the outcome of a competition or would furnish the service provider with "inside" information or allow it to unfairly compete in any way. Since the applicant has engaged in an improper relationship with a selected service provider, which represents a conflict of interest and compromises the competitive bidding process, the commitment has been rescinded in full and USAC will seek recovery of any improperly disbursed funds from both the applicant and service provider.

Jason Shoemake

BATAVIA LOCAL SCHOOL DISTRICT

1 Bulldog Place

Batavia, OH 45103

Notification of Commitment Adjustment Letter

Funding Year 2011: July 1, 2011 - June 30, 2012

January 23, 2012

Al Porter  
Hamilton Clermont Cooperative Association  
7615 Harrison Avenue  
Cincinnati, OH 45231-3107

Re: SPIN:	143024403
Service Provider Name:	Hamilton Clermont Cooperative Association
Form 471 Application Number:	808433
Funding Year:	2011
FCC Registration Number:	
Applicant Name	BATAVIA LOCAL SCHOOL DISTRICT
Billed Entity Number:	129828
Applicant Contact Person:	Jason Shoemake

Our routine review of Schools and Libraries Program funding commitments has revealed certain applications where funds were committed in violation of Program rules.

In order to be sure that no funds are used in violation of Program rules, the Universal Service Administrative Company (USAC) must now adjust the overall funding commitment. The purpose of this letter is to make the required adjustments to the funding commitment, and to give you an opportunity to appeal this decision. USAC has determined the service provider is responsible for all or some of the program rule violations. Therefore, the service provider is responsible to repay all or some of the funds disbursed in error (if any).

This is NOT a bill. If recovery of disbursed funds is required, the next step in the recovery process is for USAC to issue you a Demand Payment Letter. The balance of the debt will be due within 30 days of that letter. Failure to pay the debt within 30 days from the date of the Demand Payment Letter could result in interest, late payment fees, administrative charges and implementation of the "Red Light Rule." The FCC's Red Light Rule requires USAC to dismiss pending FCC Form 471 applications if the entity responsible for paying the outstanding debt has not paid the debt, or otherwise made satisfactory arrangements to pay the debt within 30 days of the notice provided by USAC. For more information on the Red Light Rule, please see "Red Light Frequently Asked Questions (FAQs)" posted on the FCC website at [http://www.fcc.gov/debt\\_collection/faq.html](http://www.fcc.gov/debt_collection/faq.html).

TO APPEAL THIS DECISION:

You have the option of filing an appeal with USAC or directly with the Federal Communications Commission (FCC).

If you wish to appeal the Commitment Adjustment Decision indicated in this letter to USAC your appeal must be received or postmarked within 60 days of the date of this letter. If you wish to appeal the Commitment Adjustment Decision indicated in this letter, your appeal must be received or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and email address (if available) for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Identify the date of the Notification of Commitment Adjustment Letter and the Funding Request Number(s) (FRN) you are appealing. Your letter of appeal must include the
  - Billed Entity Name,
  - Form 471 Application Number,
  - Billed Entity Number, and
  - FCC Registration Number (FCC RN) from the top of your letter.
3. When explaining your appeal, copy the language or text from the Notification of Commitment Adjustment Letter that is the subject of your appeal to allow USAC to more readily understand your appeal and respond appropriately. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal including any correspondence and documentation.
4. If you are an applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are a service provider, please provide a copy of your appeal to the applicant(s) affected by USAC's decision.
5. Provide an authorized signature on your letter of appeal.  
To submit your appeal to USAC by email, email your appeal to [appeals@sl.universalservice.org](mailto:appeals@sl.universalservice.org). USAC will automatically reply to incoming emails to confirm receipt.

To submit your appeal to us by fax, fax your appeal to (973) 599-6542.

To submit your appeal to us on paper, send your appeal to:

Letter of Appeal  
Schools and Libraries Division - Correspondence Unit  
100 S. Jefferson Rd.  
P. O. Box 902  
Whippany, NJ 07981

For more information on submitting an appeal to USAC, please see the "Appeals Procedure" posted on our website.

If you wish to appeal a decision in this letter to the FCC, you should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received by the FCC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. We strongly recommend that you use the electronic filing options described in the "Appeals Procedure" posted on our website. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554.

On the pages following this letter, we have provided a Funding Commitment Adjustment Report (Report) for the Form 471 application cited above. The enclosed Report includes the Funding Request Number(s) from your application for which adjustments are necessary. See the "Guide to USAC Letter Reports" posted at <http://usac.org/sl/tools/reference/guide-usac-letter-reports.aspx> for more information on each of the fields in the Report. USAC is also sending this information to the applicant for informational purposes. If USAC has determined the applicant is also responsible for any rule violation on the FRN(s), a separate letter will be sent to the applicant detailing the necessary applicant action.

Note that if the Funds Disbursed to Date amount is less than the Adjusted Funding Commitment amount, USAC will continue to process properly filed invoices up to the Adjusted Funding Commitment amount. Review the Funding Commitment Adjustment Explanation in the attached Report for an explanation of the reduction to the commitment(s). Please ensure that any invoices that you or the applicant(s) submits to USAC are consistent with Program rules as indicated in the Funding Commitment Adjustment Explanation. If the Funds Disbursed to Date amount exceeds the Adjusted Funding Commitment amount, USAC will have to recover some or all of the disbursed funds. The Report explains the exact amount (if any) the service provider is responsible for repaying.

Schools and Libraries Division  
Universal Services Administrative Company

cc: Jason Shoemake  
BATAVIA LOCAL SCHOOL DISTRICT

Funding Commitment Adjustment Report  
Form 471 Application Number: 808433

---

Funding Request Number:	2195432
Contract Number:	HCCA08510
Services Ordered:	INTERNET ACCESS
Billing Account Number:	N/A
Original Funding Commitment:	\$15,015.00
Commitment Adjustment Amount:	\$15,015.00
Adjusted Funding Commitment:	\$0.00
Funds Disbursed to Date:	\$0.00
Funds to be Recovered from Service Provider:	\$0.00

Funding Commitment Adjustment Explanation:

After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. During a review, it was determined that the school official who was involved in determining the services sought by the applicant and the selection of the applicants service providers is associated with a service provider that was selected. The Batavia Local School Districts superintendent who made the vendor selection decision on the districts E-rate procurement decisions and who was the authorized signer on the FCC Forms 470 and 471, also sits on the board of the Hamilton Clermont Cooperative Association (HCCA), the service provider to the district. There was no response to the administrators request to explain what steps the district may have taken to mitigate this conflict. FCC rules require applicants to submit a Form 470 to initiate the competitive bidding process and to conduct a fair and open process. Neither the applicant nor the applicants consultant should have a relationship with a service provider prior to the competitive bidding that would unfairly influence the outcome of a competition or would furnish the service provider with "inside" information or allow it to unfairly compete in any way. Since the applicant has engaged in an improper relationship with a selected service provider, which represents a conflict of interest and compromises the competitive bidding process, the commitment has been rescinded in full and USAC will seek recovery of any improperly disbursed funds from both the applicant and service provider.

Jason Shoemaker  
BATAVIA LOCAL SCHOOL DISTRICT  
1 Bulldog Place  
Batavia, OH 45103